

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED: _____
	:	
v.	:	CRIMINAL NO. : _____
	:	
MAMADOU NDIAYE	:	VIOLATIONS:
CHEIKH OULD CHEDAD,		18 U.S.C. § 371 (conspiracy to commit
a/k/a “Seh Ceddhe,”		criminal infringement of copyright - 1
a/k/a “Amadu Warr”		count)
MAMOUDOU OUMAR BALL,		18 U.S.C. § 2319 (criminal infringement of
a/k/a “Little Mamadou”		copyright - 1 count)
OMAR NDIKUMANA,		18 U.S.C. § 2 (aiding and abetting)
a/k/a “Elijah”		17 U.S.C. § 506(b) (criminal forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about 2004 to on or about October 26, 2005, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants

MAMADOU NDIAYE,
CHEIKH OULD CHEDAD,
 a/k/a “Seh Ceddhe,”
 a/k/a “Amadu Warr,”
MAMOUDOU OUMAR BALL,
 a/k/a “Little Mamadou,” and
 OMAR NDIKUMANA,
 a/k/a “Elijah,”

conspired and agreed, with others known and unknown to the grand jury, to:

(1) willfully and for the purpose of commercial advantage and private financial gain, infringe the

copyrights of various motion pictures, by the reproduction and distribution during a 180-day period of more than 10 copies (“bootleg movie DVDs,” “counterfeit movie DVDs” and “pirated movie DVDs”) of one or more copyrighted works which have a total retail value of more than \$2,500, that is, in excess of \$400,000, that is, motion pictures that have been made available for viewing in a motion picture exhibition facility and that have not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility, all in violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319; and

(2) willfully and for the purpose of commercial advantage and private financial gain, infringe the copyrights of music sound recordings, by the reproduction and distribution during a 180-day period of more than 10 copies and phonorecords (“bootleg music CDs,” “counterfeit music CDs” and “pirated music CDs”) of one or more copyrighted works which have a total retail value of more than \$2,500, that is, in excess of \$200,000, all in violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319.

MANNER AND MEANS

It was a part of the conspiracy that:

2. The defendants MAMADOU NDIAYE, CHEIKH OULD CHEDAD, MAMOUDOU OUMAR BALL, OMAR NDIKUMANA, and others known and unknown to the grand jury agreed to sell, as DVDs, bootleg, counterfeit and pirated copies of motion pictures, that had been reproduced without authorization, and that had been made available for viewing in a motion picture exhibition facility and that had not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion

picture exhibition facility.

3. The defendants MAMADOU NDIAYE, CHEIKH OULD CHEDAD, MAMOUDOU OUMAR BALL, OMAR NDIKUMANA, and others known and unknown to the grand jury agreed to sell, as CDs, copies and phonorecords of music sound recordings that had been reproduced without authorization in violation of copyrights for the music sound recordings.

OVERT ACTS

In furtherance of this conspiracy, in the Eastern District of Pennsylvania and elsewhere, defendants and others committed the following overt acts:

1. On or about July 15, 2005, at 11 South 60th Street, second floor, Philadelphia, defendant OMAR NDIKUMANA sold approximately 24 music CDs, including at least one copy of Patti Labelle - Classic Moments, Anita Baker - My Everything, and 25 movie DVDs, including three copies of "Fantastic Four," five copies of "Mr. And Mrs. Smith," five copies of "Star Wars Episode 3," and one copy of "War of the Worlds," that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings to a cooperating witness of the Federal Bureau of Investigation ("FBI") for \$75.

2. On or about July 22, 2005, at 11 South 60th Street, Philadelphia, defendants MAMADOU NDIAYE and MAMOUDOU OUMAR BALL allowed the FBI cooperating witness to go up to the second floor of the building to purchase music CDs and movie DVDs that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings.

3. On or about July 22, 2005, at 11 South 60th Street, second floor, Philadelphia, defendant OMAR NDIKUMANA sold approximately four music CDs, including

two copies of Mark Xclusive RNB Volume One, and one copy of Zone 3, and 36 movie DVDs, including five copies of “Batman Begins,” that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings to the FBI cooperating witness for \$75.

4. On or about September 30, 2005, at 11 South 60th Street, Philadelphia, defendant MAMOUDOU OUMAR BALL allowed the FBI cooperating witness and a FBI undercover agent to go up to the second floor of the building to purchase music CDs and movie DVDs that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings.

5. On or about September 30, 2005, at 11 South 60th Street, second floor, Philadelphia, defendant OMAR NDIKUMANA sold approximately 50 music CDs, including at least one copy of Kanye West - Late Registration, Mariah Carey - The Emancipation of Mimi, Lil’ Kim - The Naked Truth, Charlie Wilson - Untitled, David Banner - Certified, and Brian McKnight - Gemini, and 50 movie DVDs, including five copies of “Four Brothers,” five copies of “Stealth,” five copies of “Deuce Bigalow European Gigolo,” and five copies of “The 40 Year-old Virgin,” that were bootleg, counterfeit and pirated copies of copyrighted movies and music recordings to the FBI cooperating witness and undercover agent for \$150.

6. On or about October 4, 2005, at 11 South 60th Street, Philadelphia, defendant MAMOUDOU OUMAR BALL allowed the FBI undercover agent to go up to the second floor of the building to purchase music CDs and movie DVDs that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings.

7. On or about October 4, 2005, at 11 South 60th Street, second floor, Philadelphia, defendant OMAR NDIKUMANA sold approximately 50 music CDs, including

five copies of R. Kelly - TP.3 Reloaded, five copies of Trina - Glamorest Life, and five copies of Baby Face - Grown and Sexy, and 50 movie DVDs, including five copies of "Corpse Bride" and five copies of "Flight Plan," that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings to the FBI undercover agent for \$150.

8. On or about October 15, 2005, at 11 South 60th Street, Philadelphia, defendants MAMADOU NDIAYE, CHEIKH OULD CHEDAD, and MAMOUDOU OUMAR BALL allowed the FBI cooperating witness to go up to the second floor of the building to purchase music CDs and movie DVDs that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings.

9. On or about October 15, 2005, at 11 South 60th Street, Philadelphia, defendant CHEIKH OULD CHEDAD told the FBI cooperating witness that he has a good copy upstairs of "The Fog," a bootleg, counterfeit, and pirated copy of a copyrighted movie.

10. On or about October 15, 2005, at 11 South 60th Street, second floor, Philadelphia, defendant OMAR NDIKUMANA sold approximately 20 music CDs, including five copies of Lil' Kim - The Naked Truth, and 36 movie DVDs, including six copies of "The Fog" and five copies of "Wallace and Gromit, The Curse of the Were-Rabbit," that were bootleg, counterfeit, and pirated copies of copyrighted movies and music recordings to the FBI cooperating witness for \$100.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about July 15, 2005 and on or about October 26, 2005, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants

**MAMADOU NDIAYE,
CHEIKH OULD CHEDAD,
a/k/a "Seh Ceddhe,"
a/k/a "Amadu Warr,"
MAMOUDOU OUMAR BALL,
a/k/a "Little Mamadou," and
OMAR NDIKUMANA,
a/k/a "Elijah,"**

willfully and for the purpose of commercial advantage and private financial gain, infringed, and aided and abetted the infringement of, the copyrights of copyrighted works, that is, (1) various motion pictures, by the reproduction and distribution during a 180-day period of more than 10 copies ("bootleg movie DVDs," "counterfeit movie DVDs" and "pirated movie DVDs") of one or more copyrighted works, including but not limited to "Fantastic Four," "Mr. And Mrs. Smith," "Star Wars Episode 3," "War of the Worlds," "Batman Begins," "Four Brothers," "Stealth," "Deuce Bigalow European Gigolo," "The 40 Year-old Virgin," "Corpse Bride," "Flight Plan," "Wallace and Gromit, The Curse of the Were-Rabbit," and "The Fog," which have a total retail value of more than \$2,500, that is, motion pictures that have been made available for viewing in a motion picture exhibition facility and that have not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility; and (2) music sound recordings, by the reproduction and distribution during a 180-day period of more than 10 copies and

phonorecords (“bootleg music CDs,” “counterfeit music CDs” and “pirated music CDs”) of one or more copyrighted works, including but not limited to Patti Labelle - Classic Moments, Anita Baker - My Everything, R. Kelly -TP.3 Reloaded, Mark Xclusive RNB Volume One, Zone 3, Kanye West - Late Registration, Mariah Carey - The Emancipation of Mimi, Lil’ Kim - The Naked Truth, Charlie Wilson - Untitled, David Banner - Certified, Brian McKnight - Gemini, Trina - Glamorest Life, and Baby Face - Grown and Sexy, which have a total retail value of more than \$2,500.

In violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Sections 2319 and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Sections 371, 2319, and 2, as set forth in this indictment, defendants

**MAMADOU NDIAYE,
CHEIKH OULD CHEDAD,
a/k/a “Seh Ceddhe,”
a/k/a “Amadu Warr,”
MAMOUDOU OUMAR BALL,
a/k/a “Little Mamadou,” and
OMAR NDIKUMANA,
a/k/a “Elijah,”**

shall forfeit to the United States of America all infringing copies and phonorecords and all implements, devices and equipment used in the manufacture of such infringing copies and phonorecords including but not limited to the infringing copies and phonorecords and implements, devices, and equipment used in the manufacture of such infringing copies and phonorecords seized by the Federal Bureau of Investigation on or about October 26, 2005 at 11 South 60th Street, Philadelphia, PA and 5148 Locust Street, Philadelphia, PA.

All pursuant to Title 17, United States Code, Section 506(b).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney